United Nations A/54/884

General Assembly

Distr.: General
26 May 2000

Original: English

Fifty-fourth session
Agenda item 167
Cooperation between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

Agreement to Regulate the Relationship between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

Note by the Secretary General

1. By its resolution 54/65 of 6 December 1999, the General Assembly invited the Secretary-General to take the appropriate steps to conclude with the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization an agreement to regulate the relationship between the United Nations and the Preparatory Commission, to be submitted to the General Assembly for its approval.

2. Following the completion of the negotiations, the Agreement to Regulate the Relationship between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization was submitted to the Preparatory Commission for approval. By a letter dated 5 May 2000, the Executive Secretary of the Preparatory Commission advised me that on that date the Preparatory Commission at its eleventh session, by decision CTBT/PC-11/CR.7, had approved the Agreement.

3. On 26 May 2000, the Secretary-General of the United Nations and the Executive Secretary of the Preparatory Commission signed the Agreement.

4. Pursuant to General Assembly resolution 54/65, I herewith submit to the General Assembly for its approval the Agreement to Regulate the Relationship between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization which is annexed to the present note. Pursuant to article XVII of the Agreement, it shall enter into force upon its approval by the General Assembly and the Preparatory Commission. As the Preparatory Commission has already approved the Agreement, the latter will enter into force on the date the General Assembly approves it.

00-45298 (E) 300500

Annex

Agreement to Regulate the Relationship between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

The United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization,

Bearing in mind the relevant provisions of the Charter of the United Nations (hereinafter the "Charter") and of the Comprehensive Nuclear-Test-Ban Treaty (hereinafter the "Treaty"),

Bearing also in mind resolution CTBT/MSS/Res/1 of 19 November 1996 of the Meeting of States Signatories to the Treaty (hereinafter the "Resolution") establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty (hereinafter the "Commission"),

Recalling that in accordance with the Charter, the United Nations is the principal organization dealing with matters relating to the maintenance of international peace and security and acts as a centre for harmonizing the actions of nations in the attainment of goals set out in the Charter,

Recalling further the relevant provisions of the Treaty which provide for cooperation between the United Nations and the Comprehensive Nuclear-Test-Ban Treaty Organization,

Noting that, pursuant to the Resolution, the Commission was established for the purpose of carrying out the necessary preparations for the effective implementation of the Treaty,

Acknowledging that the activities of the Commission performed pursuant to the Treaty and the Resolution will contribute to the realization of the purposes and principles of the Charter,

Desiring to make provision for a mutually beneficial relationship whereby the discharge of their respective responsibilities may be facilitated,

Noting that General Assembly resolution 54/65 of 6 December 1999 and the decision of the Commission of 29 April 1999, contained in CTBT/PC-8/1/Annex IX, call for the conclusion of an agreement to regulate the relationship between the United Nations and the Commission,

Have agreed as follows:

Article I
General

1. The United Nations recognizes the Commission as an entity in working relationship with the United Nations as defined by this Agreement, which by virtue of the Resolution has standing as an international organization, authority to negotiate and enter into agreements, and such other legal capacity as necessary for the exercise of its functions and the fulfilment of its purposes.

2. The Commission recognizes the responsibilities of the United Nations under the Charter, in particular, in the fields of international peace and security and

economic and social, cultural and humanitarian development, protection and preservation of the environment and peaceful settlement of disputes.

3. The Commission undertakes to conduct its activities in accordance with the purposes and principles of the Charter and with due regard to the policies of the United Nations furthering these purposes and principles.

Article II
Cooperation and coordination

1. The United Nations and the Commission, recognizing the need to work jointly to achieve their common objectives, and with a view to facilitating the effective exercise of their responsibilities, agree to cooperate closely and to consult and to maintain a close working relationship on matters of mutual interest and concern. To that end, the United Nations and the Commission shall cooperate with each other in accordance with the provisions of their respective constituent instruments.

2. In view of the responsibilities of the Commission under the Resolution, the United Nations and the Commission shall, in particular, cooperate in the implementation of the following provisions of the Treaty:

(a) Paragraph 13 of Article II of the Treaty related to the convening by the Secretary-General of the United Nations as the Depositary of the Treaty of the initial session of the Conference of the States Parties to the Treaty;

(b) Article XIV of the Treaty related to the convening by the Depositary, upon the request of a majority of States that have already deposited their instruments of ratification, of Conferences convened to consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of the Treaty.

3. The Commission, within its competence and in accordance with the provisions of the Treaty, shall cooperate with the United Nations by providing to it at its request such information and assistance as may be required in the exercise of its responsibilities under the Charter. In case confidential information is provided, the United Nations shall preserve the confidential character of that information.

4. The United Nations and the Commission recognize the necessity of achieving, where applicable, effective coordination of the activities and services of the United Nations and the Commission with a view to avoiding unnecessary duplication of such activities and services, particularly with respect to common services at the Vienna International Centre.

5. The Secretariat of the United Nations and the Provisional Technical Secretariat of the Commission shall maintain a close working relationship on issues of mutual concern in accordance with such arrangements as may be agreed from time to time.

6. The Secretary-General of the United Nations and the Executive Secretary of the Commission shall consult from time to time regarding their respective responsibilities and, in particular, regarding such administrative arrangements as may be necessary to enable the United Nations and the Commission effectively to carry out their functions and to ensure effective cooperation and liaison between the Secretariat of the United Nations and the Provisional Technical Secretariat of the Commission.

Article III
Reciprocal representation

1. The Secretary-General of the United Nations, or his representative, shall be entitled to attend and participate without vote in sessions of the Commission and, subject to the rules of procedure and practice of the bodies concerned, in meetings of such other bodies as may be convened by the Commission, whenever matters of interest to the United Nations are under consideration.

2. The Executive Secretary of the Commission shall be entitled to attend plenary meetings of the General Assembly for the purposes of consultation. The Executive Secretary of the Commission shall be entitled to attend and participate without vote in meetings of the Committees of the General Assembly, and, subject to the rules of procedure and practice of the bodies concerned, in meetings of subsidiary bodies of the General Assembly and the Committees concerning matters of interest to the Commission. Whenever other principal organs of the United Nations consider matters which are of relevance to the activities of the Commission, at the invitation of that organ, the Executive Secretary may attend its meetings to supply it with information or give it other assistance with regard to matters within the competence of the Commission. The Executive Secretary may, for the purposes of this paragraph, designate any person as his representative.

3. Written statements presented by the United Nations to the Commission for distribution shall be distributed by the Provisional Technical Secretariat of the Commission to all members of the appropriate organ or organs of the Commission. Written statements presented by the Commission to the United Nations for distribution shall be distributed by the Secretariat of the United Nations to all members of the appropriate organ or organs of the United Nations.

Article IV
Reporting

1. The Commission, within its competence and in accordance with the provisions of the Treaty, shall keep the United Nations informed of its activities, and may submit through the Secretary-General of the United Nations reports on them on a regular or ad hoc basis to the principal organs of the United Nations concerned.

2. Should the Secretary-General of the United Nations report to the United Nations on the common activities of the United Nations and the Commission or on the development of relations between them, any such report shall be promptly transmitted by the Secretary-General of the United Nations to the Commission.

3. Should the Executive Secretary of the Commission report to the Commission on the common activities of the Commission and the United Nations or on the development of relations between them, any such report shall be promptly transmitted by the Executive Secretary of the Commission to the United Nations.

Article V
Resolutions of the United Nations

The Secretary-General of the United Nations shall transmit to the Executive Secretary of the Commission resolutions adopted by the principal organs of the United Nations pertaining to issues relevant to the Treaty and the Resolution. Upon receipt thereof, the Executive Secretary of the Commission shall bring the

resolutions concerned to the attention of the Commission, and report back to the United Nations on any action taken by the Commission, as appropriate.

Article VI
Agenda items

1. The United Nations may propose agenda items for consideration by the Commission. In such cases, the United Nations shall notify the Executive Secretary of the Commission of the agenda item or items concerned, and the Executive Secretary of the Commission, in accordance with his authority and the relevant rules of procedure, shall bring any such agenda item or items to the attention of the Commission.

2. The Commission may propose agenda items for consideration by the United Nations. In such cases, the Commission shall notify the Secretary-General of the United Nations of the agenda item or items concerned, and the Secretary-General of the United Nations shall, in accordance with his authority and the relevant rules of procedure, bring any such item or items to the attention of the principal organs of the United Nations concerned.

Article VII
Exchange of information and documents

1. The United Nations and the Commission shall arrange for the exchange of information, publications and documents of mutual interest.

2. In fulfilment of the responsibilities entrusted to him under Article XVI of the Treaty and in the light of the responsibilities of the Commission under paragraph 18 of the Resolution, the Secretary-General of the United Nations shall transmit to the Commission copies of communications received by the Secretary-General of the United Nations in the capacity of Depositary of the Treaty.

3. The Commission, to the extent practicable, shall furnish special studies or information requested by the United Nations. The submission of such studies and information shall be subject to conditions set forth in Article XII of the present Agreement.

4. The United Nations, to the extent practicable, shall likewise furnish the Commission, upon its request, with special studies or information relating to matters within the competence of the Commission. The submission of such studies and information shall be subject to conditions set forth in Article XII of the present Agreement.

5. The United Nations and the Commission shall make every effort to achieve maximum cooperation with a view to avoiding undesirable duplication in the collection, analysis, publication and dissemination of information related to matters of mutual interest. They will strive to combine, where appropriate, their efforts to secure the greatest possible usefulness and utilization of such information and to minimize the burdens placed on Governments and other international organizations from which such information may be collected.

Article VIII
International Court of Justice

The Commission agrees, subject to such arrangements as it may make for the safeguarding of confidential information, to furnish any information which may be requested by the International Court of Justice in accordance with the Statute of that Court.

Article IX
United Nations Laissez-Passer

The United Nations recognizes that due to the special nature and universality of the work of the Commission, as defined in the Resolution, officials of the Commission shall be entitled, in accordance with such special arrangements as may be concluded between the Secretary-General of the United Nations and the Executive Secretary of the Commission, to use the Laissez-Passer of the United Nations as a valid travel document where such use is recognized by States in the instruments or arrangements defining the privileges and immunities of the Commission.

Article X
Personnel arrangements

1. The United Nations and the Commission agree to consult whenever necessary concerning matters of common interest relating to the terms and conditions of employment of staff.

2. The United Nations and the Commission agree to cooperate regarding the exchange of personnel, bearing in mind the nationality of States Signatories of the Treaty, and to determine conditions of such cooperation in supplementary arrangements to be concluded for that purpose in accordance with Article XV of the Agreement.

Article XI
Budgetary and financial matters

1. The Commission recognizes the desirability of establishing budgetary and financial cooperation with the United Nations in order that the Commission may benefit from the experience of the United Nations in this field and in order to ensure, as far as may be practicable, the consistency of the administrative operation of the two organizations in the field.

2. Subject to the provision of Article XII of this Agreement, the United Nations may arrange for studies to be undertaken concerning budgetary and financial matters of interest to the Commission with a view to, as far as may be practicable, achieving coordination and securing of consistency in such matters.

3. The Commission agrees to follow, as far as may be practicable and appropriate, the standard budgetary and financial practices and forms used by the United Nations.

Article XII
Costs and expenses

The costs and expenses resulting from any cooperation or the provision of services pursuant to this Agreement shall be subject to separate arrangements between the United Nations and the Commission.

Article XIII
Protection of confidentiality

Subject to the provisions of paragraphs 1 and 3 of Article II, nothing in this Agreement shall be so construed as to require either the United Nations or the Commission to furnish any material, data and information the furnishing of which could, in its judgement, require it to violate its policy regarding the confidentiality of such information.

Article XIV
Registration

Either the United Nations or the Commission may register this Agreement with the United Nations.

Article XV
Implementation of the Agreement

The Secretary-General of the United Nations and the Executive Secretary of the Commission may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable.

Article XVI
Amendments

This Agreement may be amended by mutual consent between the United Nations and the Commission. Any amendment, once agreed upon, shall enter into force on its approval by the General Assembly of the United Nations and the Commission.

Article XVII
Entry into force

This Agreement shall enter into force on its approval by the General Assembly of the United Nations and the Commission.

IN WITNESS WHEREOF the undersigned, being duly authorized representatives of the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, have signed the present Agreement.

SIGNED this 26th day of May in the year two thousand at New York in two originals in the English language.

For the United Nations:

(*Signed*) Kofi A. **Annan**
Secretary-General

For the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization:

(*Signed*) Wolfgang **Hoffmann**
Executive Secretary